

REMARKS

Amendments

By the above amendments, claims 35-37 are converted into method claims that depend indirectly from method claim 11.

Election

In response to the Restriction Requirement, applicants hereby elect Group I, i.e., method claims 11-26 and 35-37. With respect to the Election of Species Requirement, applicants hereby select the compound (-)- β -L-Dioxolane-Cytidine. The claims which read on the elected species are claims 11-21, 23-26, 35 and 37.

The Election of Species Requirement further indicated that an election of a biological modifier from claim 18 was also required. To comply with the election requirement, applicants hereby elect Filgrastim as the biological response modifier. However, the Applicants request clarification as to why such an election is needed. The rejection presents no explanation as to why an election from among the biological response modifiers is needed.

Applicants traverse the Restriction on the grounds that there is no undue burden in examining the composition claims along with the elected method claims. The method claims recite the same genus of compounds as presented in the composition claims. Thus, the search required for the composition claims is entirely encompassed by the search required for the method claims. Therefore, withdrawal of the Restriction Requirement is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Brion R. Heaney', is written over a horizontal line.

Brion R. Heaney Reg. No. 32,542
Attorney for Appellants
MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201
Direct Dial: 703-812-5311
Facsimile: 703-243-6410
Email: heaney@mwzb.com

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